REMARKS

Claims 1, 3-6, and 8-11 are currently pending within this application. Claims 2 and 7 have been canceled simply for incorporation within the independent claim. Claims 1, 10, and 11 have been amended by including the limitations of previous dependent claims 3 and 7 therein. No Claims have now been added. No new matter has been added. Thus, Applicants respectfully request entry and due consideration of such amendments within this pending application.

The Office has rejected Claims 1-5 and 7-11 under 35 U.S.C. § 103(a) as being unpatentable over Suffis et al. The Office has also rejected Claims 6 under the same provision as being unpatentable over Suffis et al. in view of Kuroda et al. Applicants have chosen to reply to these rejections simultaneously as such positions of the Office rely upon the proper ability to cite Suffis et al. as a reference against the present claims. The Suffis et al. reference merely recites the possible presence, within a laundry list of components (including sodium bicarbonate, calcium or magnesium hydroxide, calcium or magnesium oxide, etc.), of alkaline earth and alkali metal silicates for the purpose of alkaline pH production within patentees' compositions. There is no discussion provided by Suffis et al. of any particular types of metal silicates other than the modifying term "alkaline earth and alkali metal" (sodium silicate is well known as such a pH adjusting agent within cosmetic and detergent formulations). Furthermore, there is no suggestion that molar ratios of metal oxide to silicate is of any importance, not to mention there is no discussion anywhere as to the importance of oil absorption values for any possible metal oxide silicate components within patentees' compositions. Even without any such specification, the Office has simply decided that the term used covers all potential metal silicates, apparently, and

thus one of ordinary skill in the art would have selected the same calcium, magnesium, and/or zinc oxide silicates now claimed. Such may be true if such compounds were already well known within the specific art at issue; however, Applicants realized that molar ratios and oil absorption values were paramount to the successful odor reduction characteristics provided by the inventive compositions and methods now claimed. The only compound that would have been a viable, available selection by the ordinarily skilled artisan for inclusion within Suffis et al.'s formulations, and, more importantly, that would meet the broad definition within the aforementioned laundry list of compounds for pH producing ingredients, is Hubersorb® 600, a product of the assignee of the instant application. Such a calcium silicate does not exhibit the same odor reduction results as the current invention, specifically due to the fact that the molar ratio of metal oxide to silicate is much less than 1 (it is actually about 0.2:1, rather than 1:1 or higher as is now required within the present claims). As such, just because Suffis et al. provide a broad, blanket description does not rise to the level of a proper obviousness position. The Office must supply some proper conclusive basis to make the assertion that all alkaline earth and alkali metal silicates are covered by the claims as they are now written. Applicants have shown within the examples of the originally filed specification that Hubersorb® 600 does not perform to the same level as the metal oxide silicates now claimed. As this is due to molar ratio and oil absorption properties, it is now incumbent upon the Office to show which products listed within Suffis et al.'s laundry list would definitively meet the present claim limitations of the instant invention.

Kuroda et al. add nothing to the deficiencies of the Suffis et al. reference. The equating of zinc oxide particular sizes to any other compounds (presumably because zinc is the metal cation present) is, however, inexplicable and an untenable position. The effectiveness of one type of compound at a certain particular size within a certain type of composition does not automatically mean that all particulates should exhibit the same particular sizes within the same type of composition. In any event, since Suffis et al. is completely deficient as a reference over the present claims, the addition of Kuroda et al. is moot. Reconsideration and withdrawal of both rejections are thus earnestly solicited.

CONCLUSION

In view of the amendments and remarks supplied above, it is respectfully submitted that the present claims of this application are now in condition for allowance and that this case be passed on to issue.

Respectfully submitted,

June 23, 2006

William S. Parks
Attorney for Applicants
Registration Number 37,528
Telephone: (410) 939-7205

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 23, 2006, along with a postcard receipt.

William S. Parks, Attorney for Applicants